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SUBJECT: A/S LOWENKRON MEETS OPPOSITION LEADER SAM RAINSY  
AND CIVIL SOCIETY REPS

REF: A. PHNOM PENH 1908  
[1](#)B. PHNOM PENH 1871

[1](#)1. (SBU) Summary. On October 16 and 17, A/S Lowenkron met with various leaders of Cambodia's civil society, union leaders and labor experts, and opposition party leader Sam Rainsy. Human rights leaders discussed impunity, the difficulties involved in the RGC's proposal to form a human rights commission (reftel B) as well as problems surrounding upcoming elections in 2007 and 2008. They underscored the need for the continued presence of the UN's Human Rights Office in Phnom Penh, which PM Hun Sen has urged be closed (reftel A). NGO legal reform representatives described the underfunding of the justice system. Khmer Rouge tribunal discussions centered on the Extraordinary Chambers of the Court of Cambodia's (ECCC) positive early track record, and the need for more USG involvement. Union leaders and ILO representatives focused on poor enforcement of Cambodia's labor laws, union competition, and recent violence at a local garment factory. Lowenkron addressed a public forum in Kandal province organized by the Cambodian Center for Human Rights. End Summary.

UNOHCHR Should Stay; Human Rights Challenges  
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[1](#)2. (SBU) At the Ambassador's residence on October 16, Lowenkron met with leaders of local human rights NGOs LICADHO, The Cambodian Defenders' Project (CDP), and ADHOC, and Margo Picken, the director of the UNOHCHR Cambodia Office. Margo Picken discussed the recent verbal attacks on her office as well as against UN Special Representative for Cambodia Yash Ghai by Prime Minister Hun Sen, who periodically has called for the UN to close the office. She agreed that her office's mandate should be examined after the 2008 general elections; but argued that ending the mandate now would send the wrong signal. Because of upcoming elections and the ECCC's high-profile role in examining the Khmer Rouge genocide, she added that Cambodia is entering a volatile political period. The Cambodian NGOs agreed that they had seen progress in human rights in the past 15 years since UNTAC's arrival in 1991, including the RGC's May 2006 decision to modify the UNTAC criminal code and decriminalize defamation. Government critics, however, are still jailed using disinformation and incitement laws. The CDP representative added that impunity and corruption remain major problems for Cambodian society, with little action by the RGC to address serious legal reform or pass a strong anti-corruption law.

[1](#)3. (SBU) Lowenkron asked about the RGC's proposed national human rights commission, and NGO impressions regarding its ability to address Cambodia's many human rights issues.

Because of the lack of independent institutions in Cambodia, the leaders of LICADHO and ADHOC opined that forming a credible national human rights body would be difficult. Lowenkron noted his suspicion of human rights commissions in countries that lack independent democratic institutions. NGO leaders also discussed the draft NGO law and concerns that it could be used to restrict their activities; Lowenkron added that there is a worldwide crackdown on NGOs using legislation. The NGOs criticized the government for the case of Tieng Narith, a possibly mentally ill former professor at a local Phnom Penh university, who was jailed on disinformation charges for writing a book critical of the government.

14. (SBU) During an October 16 lunch with representatives of NGOs working on rule of law issues in Cambodia, Lowenkron learned of the tremendous underfunding of the Ministry of Justice and Cambodian judicial system. The low salaries of judges, prosecutors, and clerks act as an incentive for bribe-taking to ensure personal economic survival, said Peter Harris of the East-West Management Institute. Yeng Virak of the Community Legal Education Center raised the issue of regulations limiting the number of new lawyers who can be admitted to the Cambodian Bar every year, which restricts the legal talent available to the public. The NGO representatives expressed strong skepticism about the RGC's proposed national human rights commission, which they offered is being contemplated as part of the RGC's plan to convince the UN that the UNOHCHR office is no longer needed.

15. (SBU) On October 17, Lowenkron delivered prepared remarks about human rights and democracy to a crowd of 400 Cambodians assembled at a Cambodian Center for Human Rights public forum in Kandal province. The remarks were

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well-received and elicited audience questions regarding democracy and the freedoms enjoyed by citizens. Lowenkron said that town halls like the CCHR public forum also took place in the U.S., though he does not know if such town halls were as well-attended in the U.S. Also in attendance were Kek Galabru, president of LICADHO, and Son Soubert, a member of the Constitutional Council of Cambodia. Both urged people to vote in the upcoming April 2007 commune elections.

#### Voter Registration Difficulties; Opposition Party Concerns

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16. (SBU) On October 17, Lowenkron met representatives of NDI, IRI, and local election monitoring NGOs COMFREL and NITFEC. COMFREL and NITFEC officials discussed their work educating voters about the rules and regulations surrounding the election process. According to both organizations, crime and land disputes appear to be the biggest issues on the minds of voters as they consider candidates for the upcoming April 2007 commune elections. The IRI representative stated that their recent poll found two-thirds of voters thought the country was headed in the right direction and one-third believed Cambodia was on the wrong path. According to the NDI representative, the opposition Sam Rainsy Party (SRP) has indeed become stronger because of the party's internal reforms. Concerning the still-ongoing commune election voter registration, COMFREL added that only 70% of the population had picture IDs -- not 80% as the government claims -- which is making registration more difficult for rural applicants who lack access to photographic shops. The need to register at a voter's birthplace, NITFEC continued, was also making registration more difficult for people who have moved to other districts.

17. (SBU) At a meeting at the headquarters of the Sam Rainsy Party, the opposition leader thanked Lowenkron for meeting him and asked that the USG use its influence to push the Cambodian government to adopt further reforms. MP Tioulong Saumura, Sam Rainsy's wife, described internal reforms efforts in the party that had made the party more democratic.

She said the party's health is stronger than it has ever been thanks to these reforms; she also thanked NDI and IRI for their help in this effort. While explaining his electoral strategy of reaching out to young voters, Sam Rainsy spoke of the importance of the upcoming commune elections. He also explained that he was concerned about China's growing influence in Cambodia and how money from oil and a possible bauxite find will be used.

#### Labor Issues

18. (SBU) Two chief Technical Advisors from the International Labor Organization (ILO) briefed Lowenkron on recent minimum wage negotiations in the garment sector and USAID-funded ILO activities. The Better Factories Project is increasing productivity while conducting unannounced monitoring of working conditions at garment factories. The ILO reps noted that child labor is not a concern in the garment sector, but remains an issue elsewhere in the Cambodian economy. Lowenkron was impressed with the workings of the Arbitration Council and its role in mediating labor disputes. ILO's John Richotte expressed concern about the draft Law on the creation of a Labor Court, and its implications in neutralizing the Arbitration Council. The two ILO representatives also discussed the unresolved 2004 murder of union leader Chea Vichea, and asked Lowenkron to examine the case of the two men who many believe were wrongly convicted of the crime.

19. (SBU) Restrictions on freedom of association, poor enforcement of labor law, inter-union feuds, and recent violence at a garment factory topped labor leaders' concerns during a lunch with Lowenkron. Ly Korm, president of the independent tourism sector union CTSWF, expressed frustration with the Ministry of Labor's failure to intervene when management at a casino in Poipet dismissed union members during an organizing effort. Pro-opposition union leader Chea Mony warned that, "in the future, democracy in Cambodia will exist in name only," if the government does not institute a fair judicial process and fully enforce workers' rights to assemble. Som Aun, president of the pro-government garment union CLUF, said that some factories went beyond the law because their owners had the support of high-ranking officials, leading unions to lose at court. Moreover, he said violence and intimidation between unions was also a serious problem. Rong Chhun, president of the pro-opposition

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teachers' union, highlighted violence on October 15 at Bright Sky Garment Factory, alleging that police had fired randomly at workers during an illegal strike. In his remarks, the A/S emphasized that the way governments treat their workers is a window into the strength of a democracy.

#### Khmer Rouge Tribunal

110. (SBU) Lowenkron met Heather Ryan from the Open Society Justice Initiative, who is monitoring the ECCC. Ryan informed him that the members of the ECCC believe that seven to ten people will be identified for trial. The statute for the Tribunal limits prosecution to the senior leadership of the Khmer Rouge as well as those most responsible for acts of genocide and crimes against humanity. Both the investigating judges and prosecutors have been working since July, and are making progress in interviewing witnesses and doing the preliminary work to prepare cases for trial. Robert Petit, the international Co-Prosecutor, has indicated that he expects to take someone into custody by the end of the year, according to Ryan. Because the death penalty is prohibited under the Cambodian Constitution, Ryan stated that she expected life sentences for those convicted. She also added that Cambodian staff is being trained and hopes will be brought up to speed by their international counterparts; once the trials are over, she hopes that the Cambodian staff will

increase the professionalism of the Cambodian courts.

¶11. (SBU) Ryan identified many areas of concern in the operation of the KRT, noting that she has provided the information in a report to donors (Note: This information will be e-mailed to Washington separately. End Note.) The three-year budget is insufficient to fully establish the court and fund all of its needs adequately; as a result, the ECCC's administration is already cutting corners and seeking additional funds from donors. The lack of political independence of the Cambodian judiciary could become a problem, she warned, if the trial expands beyond the small group of Khmer Rouge leaders who are expected to be tried. But she added the international members of the ECCC do not intend to take part in a trial influenced by Cambodian politics. Ryan added that an adequate budget and staff for the witness protection function of the court is lacking. Ryan urged USG help for witness protection, legal training to the ECCC and media/NGO outreach -- all are areas that are underfunded and worthy of USG investment.

¶12. (SBU) During an October 17 visit to the ECCC, Lowenkron met with Sean Vissoth, Director of Administration; William Smith, Deputy Co-Prosecutor; and Chea Leang, Cambodian Co-Prosecutor. Responding to Lowenkron's question, Vissoth said that plans are being made to televise the trials. Witness protection is an issue of concern, but a former ICTY staff member with experience in witness protection has recently been selected to assist with this function at the ECCC. Smith emphasized that ECCC's mandate is shorter than either the Yugoslavia or Rwanda tribunals, adding that three years is doable but will leave little margin for error. In other international tribunals, he continued, mistakes were made and took time to ultimately correct. For the ECCC, the budget is lower and timeframe is shorter; therefore, the ECCC administration is trying to ensure that all budgetary decisions are prioritized properly and the court managed as efficiently as possible. Aside from budgetary realities, the ECCC has mixed professionals from the international and Cambodian legal systems; harmonizing a domestic civil law system with international law also will be a challenge.

¶13. (U) The A/S did not have the opportunity to clear this message before his departure.

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